

October 12, 2005

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, October 12, 2005, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
CHARLES W. AHREND, Election District #2
DEE E. FLOYD, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator
G. CHRIS BROWN, County Attorney
STEPHEN G. KING, Deputy County Administrator
JAMES L. ALLMENDINGER, Director of Finance
WENDELL J. EBERLY, Director of Recreation and Facilities
RHONDA G. HENDERSON, Director of Planning
JENNIFER M. HOOVER, Director of Public Works
FRANKLIN P. O'BYRNE, Director of Information Systems
DIANA C. STULTZ, Zoning Administrator
ROBERT A. SYMONS, Fire and Rescue Chief
WILLIAM L. VAUGHN, Director of Community Development
DOTTIE L. BOWEN, Deputy Clerk
TIM FITZGERALD, representing Resident Engineer
Virginia Department of Transportation

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CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION.

Chairman Cuevas called the meeting to order at 3:00 p.m.

County Attorney Brown led the Pledge of Allegiance and Supervisor Breeden gave the Invocation

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APPROVAL OF MINUTES.

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the minutes of the Regular Meeting held on September 28, 2005.

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RECOGNITION OF KIMBERLY HOLSINGER.

The Board recognized Miss Kimberly Holsinger, whose recent efforts in calling 9-1-1 when her grandmother suffered a stroke possibly saved her grandmother's life. The Board presented a plaque and an assortment of small gifts to the young heroine. Board members lauded six-year-old Kimberly for her maturity and quick thinking during an emergency situation. Chief Symons also praised her family for teaching their child the proper way to respond in such an emergency.

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SCHOOL ENROLLMENT AND PROJECTION DATA.

The Board heard a presentation by Dr. John Kidd, School Division Superintendent, with an update on school enrollment and projection data. He pointed out that the County's enrollment has increased by about 2.5 percent this year, after experiencing a slight decline the past three years, with most of the increase in the eastern side of the County, in particular Spotswood High School and the schools feeding into it. He pointed out that Elkton is filled to capacity and Peak View will likely be full next year so that the School Board will need additional elementary school space, equivalent to possibly two elementary schools in the near term and, if the growth continues to a level of 13,000 students, another high school may be needed in the future.

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PLAINS ELEMENTARY SCHOOL IMPROVEMENTS.

Following a presentation by Dr. John Kidd, School Division Superintendent, concerning needed improvements to Plains Elementary School, on motion by Supervisor Breedon, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE;

CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized the School Board to begin the necessary project and instructed staff to prepare a budget amendment, if necessary, for the Board's consideration.

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RESOLUTION NO. 05-28 - REFUNDING OF VPSA BONDS.

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 05-28 to authorize refunding of VPSA Bonds issued for school construction.

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY OF ITS SCHOOL FINANCING BONDS (1997 RESOLUTION) REFUNDING SERIES 2003 D, A PORTION OF THE PROCEEDS OF WHICH REFUNDED THE COUNTY OF ROCKINGHAM GENERAL OBLIGATION SCHOOL BONDS, SERIES 1992, SERIES 1993 AND REFUNDING SERIES 1994 A; AND AUTHORIZING ANY OTHER ACTIONS NECESSARY TO ACHIEVE THE OBJECTIVES CONTEMPLATED HEREBY

WHEREAS, the Virginia Public School Authority (the "Authority") pursuant to (i) a bond resolution adopted on August 13, 1987, as amended and supplemented (the "1987 Resolution") and (ii) a bond resolution adopted on October 23, 1997, as amended, restated and supplemented (the "1997 Resolution") issued bonds (respectively, the "1987 Resolution Bonds" and the "1997 Resolution Bonds") for the purpose of purchasing general obligation school bonds of certain cities and counties within the Commonwealth of Virginia;

WHEREAS, the Authority used a portion of the proceeds of certain 1987 Resolution Bonds to purchase certain duly authorized and issued general obligation school bonds of the County of Rockingham, Virginia (the "County") designated the Rockingham County School Bonds, Series 1987 ("Prior Local School Bonds");

WHEREAS, the Authority has issued under the 1987 Resolution several series of 1987 Resolution Bonds designated as "School Financing Bonds (1987 Resolution) 1991 Refunding Series C (the "Series 1991 C Bonds")", "School Financing Bonds (1987 Resolution) 1992 Series B" (the "Series 1992 B Bonds") and "School Financing Bonds (1987 Resolution) 1993 Series C" (the "Series 1993 C Bonds")";

WHEREAS, the Authority refunded certain 1987 Resolution Bonds with a portion of the proceeds of its Series 1991 C Bonds and, in connection therewith, the County exchanged its Prior Local School Bonds with a duly authorized and issued general obligation school bond designated the County

of Rockingham General Obligation School Bond, Refunding Series 1994 A (the "1994 A Local School Bond");

WHEREAS, the Authority used a portion of the proceeds of the Series 1992 B Bonds and the Series 1993 C Bonds to purchase certain duly authorized and issued general obligation school bonds of the County designated the \$5,200,000 General Obligation School Bond, 1992 Series B, and the \$3,500,000 General Obligation School Bond, Series 1993 (together with the 1994 A Local School Bond, the "Local School Bonds");

WHEREAS, the Authority refunded its Series 1991 C Bonds, Series 1992 B Bonds and Series 1993 B Bonds ("Refunded Bonds") with a portion of the proceeds of its Virginia Public School Authority School Financing Bonds (1997 Resolution) Refunding Series 2003 D (the "Refunding Bonds") issued pursuant to the 1997 Resolution;

WHEREAS, the Authority in refunding the Refunded Bonds has pledged the Local School Bonds for the benefit of the holders of bonds issued under its 1997 Resolution;

WHEREAS, the Authority is required to assist the underwriters (the "Underwriters") of the Refunding Bonds with their duty to comply with Securities and Exchange Commission ("SEC") Rule 15c2-12 (the "Rule");

WHEREAS, the Authority has requested the County to execute a Continuing Disclosure Agreement in order for the Authority to assist the Underwriters in complying with the Rule, and;

WHEREAS, the Board of Supervisors of the County of Rockingham, Virginia considers it to be advisable for the County to fulfill the request of the Authority to execute a Continuing Disclosure Agreement;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ROCKINGHAM, VIRGINIA:

1. Continuing Disclosure Agreement.

The Chairman of the Board of Supervisors, the County Administrator and such officer or officers as they may designate are hereby authorized to enter into a Continuing Disclosure Agreement in the form attached as Appendix A hereto, containing such covenants as may be necessary in order for compliance with the provisions of the Rule, and any other documents the Authority deems necessary to comply with the SEC rules and any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

2. Use of Proceeds Certificate.

The Chairman of the Board of Supervisors, the County Administrator and such officer or officers as they may designate are hereby authorized to enter into a Use of Proceeds Certificate in the form attached as Appendix B hereto, containing such covenants as may be necessary in order for compliance with any Internal Revenue

Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

3. Further Actions.

The members of the Board and all officers, employees and agents of the County are hereby authorized to take any and all such action as they or any one of them may consider necessary or desirable or as may be advised by counsel in connection with the execution and delivery of the Continuing Disclosure Agreement and the Use of Proceeds Certificate and maintaining the tax-exempt status of the bonds, and any such action previously taken is hereby ratified and confirmed.

4. Effective Date.

This resolution shall take effect immediately.

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RESOLUTION NO. 05-29 - APPLICATION FOR LITERARY LOAN FOR J. FRANK HILLYARD MIDDLE SCHOOL IMPROVEMENTS.

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 05-29, authorizing the School Board to make application to the Virginia Department of Education for a Literary Loan in the amount of \$7,500,000 for J. Frank Hillyard Middle School improvements.

WHEREAS, the School Board of the County of Rockingham, Virginia, presented to this Board an application addressed to the State Board of Education of Virginia for the purpose of borrowing from the Literary Fund \$7,500.000 for the new school building (or for adding to or improving the present school building) at J. Frank Hillyard Middle School, to be paid in 20 annual installments, and the interest thereon at 3 percent paid annually.

RESOLVED that the application of the County School Board to the State Board of Education of Virginia for a loan of \$7,500,000 from the Literary Fund is hereby approved, and authority is hereby granted the said County School Board to borrow the said amount for the purpose set out in said application.

The Board of Supervisors for said County will each year during the life of this loan, at the time it fixes the regular levies, fix a rate of levy for schools or make a cash appropriation sufficient for operation expenses and to pay this loan in annual installments and the interest thereon, as required by law regulating loans from the Literary Fund.

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RESOLUTION NO. 05-30 - APPLICATION FOR LITERARY LOAN FOR WILBUR S. PENCE MIDDLE SCHOOL IMPROVEMENTS.

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 05-29, authorizing the School Board to make application to the Virginia Department of Education for a Literary Loan in the amount of \$7,500,000 for Wilbur S. Pence Middle School improvements.

WHEREAS, the School Board of the County of Rockingham, Virginia, presented to this Board an application addressed to the State Board of Education of Virginia for the purpose of borrowing from the Literary Fund \$7,500.000 for the new school building (or for adding to or improving the present school building) at Wilbur S. Pence Middle School, to be paid in 20 annual installments, and the interest thereon at 3 percent paid annually.

RESOLVED that the application of the County School Board to the State Board of Education of Virginia for a loan of \$7,500,000 from the Literary Fund is hereby approved, and authority is hereby granted the said County School Board to borrow the said amount for the purpose set out in said application.

The Board of Supervisors for said County will each year during the life of this loan, at the time it fixes the regular levies, fix a rate of levy for schools or make a cash appropriation sufficient for operation expenses and to pay this loan in annual installments and the interest thereon, as required by law regulating loans from the Literary Fund.

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TRANSPORTATION DEPARTMENT.

The Board heard a report from Mr. Tim Fitzgerald (representing Mr. Donald Komara) on the activities of the Transportation Department.

Supervisor Kyger discussed a recent meeting with VDOT and citizens in his District regarding safety issues in the Belmont Subdivision and, on motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board requested that VDOT move forward with traffic "calming" measures for Nutmeg Court in the Belmont area.

Supervisor Kyger also asked that attention continue to be paid to the need for safety improvements to Route 42 (John Wayland Highway) in his District where a horse and

buggy recently collided with a vehicle. Mr. Fitzgerald noted that a scoping meeting on this project will be held in November.

Supervisor Breeden asked if the Route 644 (Resort Drive) project was proceeding, and Mr. Fitzgerald said everything was "on track."

In response to a question from Supervisor Breeden, Mr. Fitzgerald said VDOT was looking into the possibility of installing a flashing light at the intersection of Island Ford Road and Route 340 (South East Side Highway).

In response to a question from Supervisor Floyd, Mr. Fitzgerald said additional 45 MPH speed limit signs would be posted on streets in Lakewood Subdivision.

In response to a request from Supervisor Floyd for a stoplight at Boyers Road and Port Republic Road, Mr. Fitzgerald said VDOT would check the criteria to see if that intersection meets the requirements for a stoplight.

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RESOLUTION NO. 05-31 - CENTRAL SHENANDOAH VALLEY ALL
HAZARDS MITIGATION PLAN.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 05-31 to approve the Central Shenandoah Valley All Hazards Mitigation Plan.

ADOPTION OF THE CENTRAL SHENANDOAH VALLEY
ALL HAZARDS MITIGATION PLAN

WHEREAS, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop and adopt natural hazard mitigation plans in order to receive certain federal assistance; and

WHEREAS, the Central Shenandoah Mitigation and Planning Workgroup representing the County of Rockingham, as well as the remaining 20 localities of the Central Shenandoah Planning District was convened in order to study the Region's risks from and vulnerability to natural hazards, and to make recommendations on mitigating the effects of such hazards on the Region; and

WHEREAS, the Mitigation and Planning Workgroup was provided staff support by the Central Shenandoah Planning District Commission; and

WHEREAS, the efforts of the Mitigation and Planning Workgroup, the staff of the Central Shenandoah Planning District Commission and Virginia Tech's Center for Geospatial Technology as well as members of the public, private and nonprofit sectors, have resulted in the

development of a Natural Hazards Mitigation Plan for the Region.

NOW THEREFORE, BE IT RESOLVED by the Rockingham County Board of Supervisors that the Central Shenandoah Valley All Hazards Mitigation Plan dated September 2005 is hereby approved and adopted for the County of Rockingham.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Paxton's staff report dated October 7, 2005, including information concerning Social Services, Health Department and Community Services Board facility needs; mileage reimbursement; VDOT issues, and position vacancies.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board increased the mileage reimbursement per mile from \$.325 to \$.405 for persons who receive reimbursement and do not use County vehicles.

ROCKINGHAM MEMORIAL HOSPITAL.

Mr. Paxton reported on discussions with Virginia Department of Transportation officials regarding Port Republic Road. He noted that there is an understanding of the need for road improvements and pointed out that the preliminary design funds are currently in the Six Year Plan budget. He advised that the State has been asked to expedite the project in order to move it forward. He reported that the Secretary of Transportation thought that the full design should be prepared soon; however, given the current road funding situation, construction funds would probably not be available for five or six years, at a minimum. He noted the possible future option of changing the status of Stone Spring Road from a secondary to a primary highway.

Supervisor Cuevas addressed road concerns associated with the Rockingham Memorial Hospital rezoning request. He reviewed steps taken, to date, to investigate possible solutions to those concerns, including a trip taken three months ago by him, Supervisor Floyd, Mr. Paxton and Mr. Vaughn when they traveled to Winchester to meet with the Frederick County Administrator. At that time, he explained, they discussed the impact of the hospital in Frederick County as well as what took place during and after that hospital became a reality. Subsequent to that meeting, he and members of the staff took Dr. Davis, the County's representative on the Commonwealth Transportation

Board, on a tour of Stone Spring Road, Lawyer Road, and Port Republic Road. Later, he and staff members met with the Staunton District Engineer and then went to Winchester to explain the County's needs to Dr. Davis. The Frederick County Administrator then met with the Board of Supervisors and described how he felt the hospital in that area had impacted Frederick County. A meeting was arranged with state officials; and Chairman Cuevas, Supervisor Breeden, County staff members, VDOT District Engineer, VDOT Resident Engineer, JMU representatives and Rockingham Memorial Hospital officials traveled to Richmond to meet with representatives from the Governor's staff, the Secretary of Transportation and the Deputy Secretary of Finance. In discussing the County's present needs and concerns if the RMH rezoning were approved, as well as the growth of James Madison University, and the impact on the road system, Chairman Cuevas said he was under the impression that the Governor did not think transportation improvements should be scheduled until funding was available for such improvements to be made. He said the group was told that Port Republic Road was one of the top five projects in the Staunton District. He noted that, within the next three years, he expected funds to be available from developers and others who are creating the need for road improvements in that area for the necessary engineering and other studies; and he said that it was his belief that the necessary improvements would become a reality in six to seven years. He reviewed the proffers and commitments made by Rockingham Memorial Hospital and said, "I don't think we can expect more commitments than VDOT or RMH have made to meet the impact the hospital may have in that area. There are some other areas where there appears to be willingness on the part of RMH to participate financially later on as needs may come in relationship to the impact. We need to have our MPO [Metropolitan Planning Organization] representative continue to work with the MPO Board to try to get Stone Spring Road and Friedens Church Road to become part of the southeast connector. I visualize the possibility of the old "loop road" concept being replaced by road improvements to serve the needs anticipated by the southeast connector. That will make possible funding through some other sources."

Supervisor Kyger said that a good medical facility was needed for the community and that complex illnesses would require future facilities to be upgraded and have the type of equipment and be able to attract the physicians needed to meet those challenges. He indicated that it would be hard to locate and bring high quality doctors into an area unless the medical facilities meet their expectations. While he noted that there may have been other areas in the County where a hospital may have had less impact, he said the Board had to respect the choice made by hospital officials who believed the site in question was the one which would best serve the community.

Supervisor Breeden pointed out how the need for a trauma hospital had touched his family when his nephew was killed in an accident on Port Republic Road approximately one year ago. He said he did not know if having a trauma hospital in the community would have saved his nephew's life, but he died on the way to a trauma hospital in northern Virginia.

Supervisor Kyger moved to remove the Rockingham Memorial Hospital rezoning request from the table.

Supervisor Ahrend seconded the motion.

Supervisor Floyd asked to make the motion, and Supervisors Kyger and Ahrend agreed.

On motion by Supervisor Floyd, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table RZ05-14 Rockingham Memorial Hospital, 235 Cantrell Avenue, Harrisonburg, to rezone 254 acres from A2 (General Agricultural) to B1 General Business) on tax parcels 125 (A) 125, 125 (A) 137, and 125 (A) 184. The site is located northeast of the intersection of Port Republic Road (Route 253) and Reservoir Street (Route 710), Election District 3. The Comprehensive Plan designates this area as Community Residential. (This request was tabled by the Board on September 28, 2005.)

Supervisor Floyd moved to deny the request for rezoning. Supervisor Breeden said he would second the motion for the purpose of discussion.

Supervisor Floyd made the following statement. "Mr. Chairman, before casting my vote on the Hospital rezoning request, I feel that I must justify my reasons why. First of all, I believe that any choice that they could have made to relocate the hospital would have been far superior to the Port Road location. In my opinion, they already knew that the two other locations were not adequate because of the expense of locating a second power source on North 11 and a new interchange for the Smithland Road site. They completely ignored, or didn't make public, the fact they owned 300 plus acres of land at Pleasant Valley. In my research on this property I could find no good reason why this would not have been at least suggested by them as an alternate site. In inquiring about the site with former hospital board members, I found that this was the suggested site when they built the Cancer Center some years ago, but those who wanted it didn't have a majority vote on the board. Secondly, I very much opposed the Port Road site because of the traffic congestion that exists now on Port Road and Reservoir Street. I have had dozens of phone calls, e-mails and letters and personal contact from people not just from my district but from all over the County and the City of Harrisonburg concerned with the problems that now exist and the fact that the hospital would be built by 2009-10 before most of the funding will be received from the state and other sources would be available. By the time the Hospital is built, multiple rezoning requests by developers and others to locate around the hospital and those requests that are now tabled and will be forthcoming will only make the problem worse and by the time the roads are built, they will probably be inadequate. In addition, the tremendous cost of the roads as outlined in the report presented to us at the public hearing will be another burden placed on the taxpayers. What has been proffered by the Hospital for both the roads and sewer requirements are

woefully inadequate. I won't go into those figures at this time. We all know what they are."

The motion to deny the request failed by a vote of 1 to 4, voting recorded as follows: AHREND - NO; BREEDEN - NO; CUEVAS - NO; FLOYD - AYE; KYGER - NO.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 4 to 1, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - NO; KYGER - AYE; subject to the following proffers, the Board approved RZ05-14 Rockingham Memorial Hospital, 235 Cantrell Avenue, Harrisonburg, to rezone 254 acres from A2 (General Agricultural) to B1 General Business) on tax parcels 125 (A) 125, 125 (A) 137, and 125 (A) 184. The site is located northeast of the intersection of Port Republic Road (Route 253) and Reservoir Street (Route 710), Election District 3.

September 26, 2005

Ms. Rhonda G. Henderson
Director of Planning
County of Rockingham Department of Community Development
20 East Gay Street
Harrisonburg, VA 22802

Dear Ms. Henderson:

I have enclosed information for the September 28, 2005 Board of Supervisors' Meeting related to Rockingham Memorial Hospital's request to rezone the 254 acres on Port Republic Road and Reservoir Street, known as the "Harman Farm", from A-2 to B-1. Enclosed are RMH's revised proffers addressing the issues of firefighting, sewer and water, and accessibility. This replaces all previous proffers. We have made no changes to the prior proffer on limitations of uses.

RMH intends to develop the site in three phases as outlined in our May 27, 2005 correspondence to you. Phase I is scheduled for completion in late 2009 or early 2010, phase II between 2012 and 2015, and phase III anticipated around 2020.

We feel that the enclosed proffers demonstrate the commitment of the RMH Board to a substantial investment in our community. We trust this revised proffer will permit the Board of Supervisors to approve our rezoning request at its meeting on September 28th. If you have questions in the meantime, please feel free to contact Glenn Hodge at 438-5352 or me at 433-4650.

Sincerely,

T. Carter Melton, Jr.
President

Enclosures

Firefighting

To address the concern of Rockingham County regarding fire protection for the proposed hospital and health campus, RMH legal counsel, Glenn Hodge of Wharton, Aldhizer & Weaver spoke with Robbie Symons, County Fire Chief, recently to discuss firefighting needs.

During that conversation, Mr. Symons indicated that he would like to pursue a grant from the Department of Homeland Security, DHS, for an additional fire truck, which he estimated would cost between \$600,000 and \$800,000.

Although the need for increased fire equipment and personnel is not driven solely by the RMH rezoning request, RMH recognizes the need for all fire and rescue departments to maintain up-to-date equipment and proffers the 20% match required for the DHS grant.

Water and Sewer

To address the impact of patient and employee utility use for the construction of the new hospital and health care campus and to benefit the surrounding area, RMH proffers:

Water:

On Site:

1. Construction of a 12-inch water main on the Harman Farm that will be approximately 4,500 lineal feet.
2. **Off Site – RMH will contribute money for the design and construction by Rockingham County of:**
3. A 12-inch water main along Port Republic Road from Shen Lake Drive to the Hospital entry on Port Republic Road at approximately 7,700 lineal feet.
4. A 12-inch water main from Port Republic Road to the 8-inch water line at Boyers Road at approximately 900 lineal feet.
5. Two 8-inch pressure-reducing valves (PRV); one at Boyers Road and one at Reservoir Street.
6. A 12-inch water main on Port Republic Road to an 8-inch line on Reservoir Street at approximately 900 lineal feet.

Total RMH contributions for off-site water improvements: \$481,000

Sewer:

On Site:

1. Construction of a 10-inch gravity feed line at approximately 1,000 lineal feet.

Off Site:

1. RMH will contribute \$750,000 towards the design and construction of an 18-inch gravity sewer main along Pleasant Run to connect with the Harrisonburg-Rockingham Regional Sewer Authority line located near the Banta plant. All permitting, design and construction of new sewer main will be the responsibility of the County. RMH will provide the easement necessary to convey county flow from its existing force main within the RMH-Harman Farm Site to the new sewer main. Location of the internal easement will be established by agreement of RMH and the County.

The County understands that the completion of water and sewer improvements is needed no later than July 1, 2008 in order to provide continuous hospital services to the community.

Accessibility

Pursuant to Virginia Code Section 15.2-2297 and Rockingham Code Section 17-210, RMH Proffers the following to mitigate the impact of patient and employee traffic volumes on roadways contiguous to the proposed hospital site ("the Harman Farm property") and to improve traffic flow in the immediate surrounding area:

This proffer includes:

1. The design and construction of an intersection including signalization at Port Republic Road and Stone Spring Road Extension.
2. The design and construction (as approved by VDOT) of approximately 2,600 lineal feet (within a 200 foot right-of-way) of two lanes (based on the Blackwell road section detail dated September 2005 as submitted to RMH by the County) of the Stone Spring Road Extension from Port Republic Road to a point approximately 100 feet beyond the intersection with the realigned Reservoir, with location mutually agreed to by RMH, the County, and VDOT. This includes a deceleration lane for entry to the hospital site. This includes all rights-of-way and easements over the Harman tract necessary for the construction of this 2600 LF portion of the Stone Spring Road Extension. Any rights-of-way not located on the Harman Farm property will be the responsibility of the County and/or VDOT;
3. The design of a two lane road for the Stone Spring Road Extension from Associated Developers' property to Port Republic Road;
4. Design and construction (as approved by VDOT) of approximately 1,635 lineal feet of two lanes (based on the Blackwell road section detail dated September 2005 as submitted to RMH by the County) for the

extension/realignment of Reservoir Street and an intersection (including deceleration lanes, turning lanes, and signalization) where the Stone Spring Road Extension and the Reservoir Road realignment intersect. Any rights-of-way, not located on the Harman Farm, necessary for the construction of this realignment will be the responsibility of the County and/or VDOT.

5. Continuous dedicated turning movement (75 foot right-of-way) of approximately 1,400 lineal feet along the Harman property boundary with Port Republic Road.
6. A deceleration lane on Boyers Road (35 foot right-of way).

In addition to the roadway access, RMH will provide ample pedestrian mobility within the site and safe and convenient connections for pedestrians to adjacent public roadways.

Total RMH contribution: \$5,433,300 (including value of rights-of-way)

Proffer re: Limitations on Permitted Uses

This proffer is a clarification of the previous proffer limiting permitted uses.

Pursuant to Virginia Code Section 15.2-2297 and Rockingham County Code Section 17-210, RMH proffers the following terms and conditions with its rezoning application for B-1 General Business as more particularly described herein. RMH offers, as a condition of the rezoning, that certain uses permitted under B-1 General Business as described in Rockingham County Code Section 17-91, will not be permitted uses by RMH or third parties. RMH will restrict certain uses to RMH, or entities controlled by RMH or other not for profits entities in order to provide services as a part of the services that RMH currently provides, or may provide, as a Community Hospital or uses that are limited to RMH employees and their families. In designating the uses under Section 17-91 that are proffered herein as uses that are not permitted, permitted, or permitted under limited circumstances, the numbering found in section 17-91 is used.

In Section One are uses that will not be permitted by RMH or any third party.

In Section Two are uses that will be permitted by RMH or any third party.

In Section Three are uses that will be permitted by RMH or entities controlled by RMH or other not for profit entities that will retain the right to make such a use of the property to provide services as a part of services that RMH provides, or may provide, as a Community Hospital or uses that are limited to RMH employees and their families.

Section One – Uses not permitted

- (a) Specialty Shops
 - (1) Art supply or framing shop;
 - (2) Antique shop;

- (3) Pawn shop;
- (4) Swap shop;
- (d) General country or convenience store, vehicular fuel pumps excepted from enclosure
- (e) Seed or feed store
- (f) Retail Businesses:
 - (1) Household appliance store;
 - (3) Hardware store;
 - (4) Furniture store;
 - (5) Clothing store;
 - (6) Grocery store;
 - (7) Department store;
- (g) Bicycle, sports equipment, or motorcycle store;
- (h) Shopping mall;
- (i) Catalog sales;
- (j) Bus station;
- (k) Building, plumbing, electrical supply sales;
- (m) Horticultural or agricultural use:
 - (1) Nursery operation, excepted from enclosure;
 - (2) Greenhouse;
 - (3) Farmers market, excepted from enclosure;
- (n) Fruit packing plant;
- (q) Automotive enterprises:
 - (2) Auto sales lot, excepted from enclosure;
 - (3) Auto service station, vehicular fuel pumps, excepted from enclosure;
 - (4) Auto dealership;
 - (5) Public garage;
 - (6) Repair or servicing;
 - (7) Auto parts supply;
- (r) Service enterprises:
 - (3) Carpet and rug cleaning service;
 - (7) Funeral home;
 - (8) Machinery sales and services;
 - (9) Monument works and sales, excepted from enclosure as to monuments;
 - (10) Photography studio;
- (u) Office:
 - (3) General or trade contractor's office;

- w) Animal related businesses:
 - (1) Animal hospital;
 - (2) Kennel operation;
 - (3) Pet sales;
- (ad) Sale of travel trailers, manufactures homes, campers;
- (ae) Hotel, motel;
- (ai) Water hauling.

Section Two: Uses permitted.

- (f) Retail Business:
 - (2) Pharmacy;
- (o) Community and recreational uses:
 - (1) Community center,
 - (2) Club,
 - (3) Park, lake, pond, pedestrian trail, walkway, bikeway, playground, excepted from enclosure,
 - (4) Golf driving range, excepted from enclosure,
 - (5) Theater productions (indoor),
 - (6) Theater productions (outdoor),
 - (7) Library, art gallery, museum;
- (p) Schools:
 - (1) Business or commercial,
 - (2) Trade or vocational;
- (s) Church or other house of worship;
- (u) Office:
 - (1) Medically oriented office,
 - (2) Business and other than medically oriented office;
- (v) Laboratory operations:
 - (1) Medical,
 - (2) Dental,
 - (3) Pharmaceutical,
 - (4) Research or developmental;
- (x) Health services or facilities:
 - (1) Clinic service,
 - (2) Hospital,
 - (3) Hospital, special care;
- (y) Rehabilitation service;
- (z) Radio or television activities excluding telecommunications facility;

Section Three: Uses that will be permitted by RMH or entities controlled by RMH or other not for profit entities in order to provide services as a part of services that RMH provides, or may provide, as a Community Hospital or uses that are limited to RMH employees and their families.

- (a) Specialty Shops
 - (5) Gift shop;
 - (6) Ceramic shop;
 - (7) Florist;
- (b) Crafts shop
- (c) Bakery
- (l) Bank savings and loan, or other financial office, including drive-in type;
- (q) Automotive enterprises:
 - (1) Car wash;
- (r) Service enterprises:
 - (1) Beauty or barber shop;
 - (2) Cabinet, furniture, woodworking, upholstery shop;
 - (4) Laundromat, dry cleaners, laundry;
 - (5) Machine, welding, or blacksmith shop;
 - (6) Repair or servicing;
- (t) Food establishments:
 - (1) Restaurant;
 - (2) Snack bar;
 - (3) Drive-in, eating or drinking facility;
 - (4) Delicatessen;
- (ah) Water filling station, natural source

Note: The following proffer was received by the County on October 11, 2005, and it updates and revises the proffers related to accessibility:

RMH will contribute up to \$500,000 towards the design and engineering study for the Stone Spring Road extension (connector road) from the City Limits to Route 33. Rockingham County will make a serious, good faith, effort to procure a substantial contribution from others with an interest in the ultimate construction of this road) towards the costs of this study, and any amounts over \$500,000 will be the County's responsibility.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Ms. Hoover's staff report dated October 7, 2005, including information concerning Penn Laird Drive and Water Tower Road sewer (staff has delivered letters re easements); Lakewood/Massanetta Springs pump station (restoration work remains); McGaheysville WWTP (staff expects final study by mid-October); Phase III expansion of the landfill (completeness review from DEQ received); Grassy Creek Tank (contractor making good progress), Three Springs Water System Analysis; Countryside (reseeding has been accomplished); Pleasant Run Interceptor, Lilly Gardens (award letters to go out mid- to late-October); and City of Harrisonburg Waste to Energy Plant.

Chairman Cuevas noted that Ms. Hoover would be leaving shortly for a new position, thanked her for her work for the County and wished her well in her new endeavor.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated October 12, 2005, including information concerning the draft McGaheysville Area Plan, priority projects, tabled requests, and upcoming requests.

In regard to S05-43, request of Natural Sand & Stone Co., LLC, to amend special use permit conditions, Supervisor Floyd said he wanted to see the existing permit remain as it is and monitored to see that the applicant is in compliance with the conditions which are presently in force. He pointed out that concerns were raised about non-compliance with the conditions. On motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board removed from the table S05-43, request of Natural Sand & Stone Co., LLC (Dennis Morris), 7341 Tiger Camp Road, Port Republic to amend conditions on existing mining operation special use permit on property located on the northeast side of Tiger Camp Road (Route 1604) approximately 1/2 mile northeast of Port Road (Route 253) in Stonewall Magisterial District, Election District #3, zoned A2. Tax Map #152-(A)-102. (This request was tabled by the Board on August 10, 2005.)

On motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board denied S05-43, request of Natural Sand & Stone Co., LLC.

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INFORMATION SYSTEMS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. O'Byrne's staff report dated October 6, 2005, including information concerning personnel, projects (ICHRIS, Tyler Technologies Document Imaging Software, Circuit Courthouse Deed Room project, and converting Dataflex software systems.

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FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Symons' staff report dated October 6, 2005, including information concerning personnel, training, Prevention Division activities, public education, and other activities.

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RECREATION AND FACILITIES STAFF REPORT.

The Board received and reviewed Mr. Eberly's staff report dated October 7, 2005, including information concerning facilities (Convention/Visitors Bureau building is being prepared for Registrar's offices and recreation programs.

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COMMITTEE REPORTS.

The Board heard Committee Reports by Board members and staff.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Automobile Committee, the Board awarded to South Main Motors the bid for a 2001 Ford F250 XLT Crew Cab diesel with 70,447 for \$20,500 (for use by Utilities). University Motors and Mason Motors did not have any vehicles that met the specifications. The vehicle is part of the additional equipment approved at the August 10, 2005 Board meeting needed for the additional crew that was also added at the same meeting. Forty-thousand dollars was allocated for this additional equipment. A 2001 Dodge 2500 at a cost of \$16,500 from Mason Motors was awarded at the September 28, 2005 meeting and a trailer was purchased for \$3,000.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Public Works Committee, the Board

- (1) As presented by staff, declared the following pieces of landfill equipment as surplus and authorized that they be sold.

From the Landfill - International Broom Tractor Model 2444 Year Unknown Serial #05230 Hrs 2090; International Flat Bed Truck Model 1800 Year 1970 Serial #416080G397874 Miles 123,000; Willibald Horizontal Grinder Model 2500 Year Unknown Serial #25000392148 Hrs 1846; 977 Caterpillar Dozer Year 1973 Serial #11K5938; 1155 E Case Dozer Year 1980 Serial #JAK0009526 Hrs 7100.

From Utilities - JCB Backhoe Year Unknown.

- (2) Authorized purchase of 1992 Caterpillar 963 Track Loader with 8,188 hours for \$69,500 from Carter Machinery.

VIRGINIA ASSOCIATION OF COUNTIES.

On motion by Supervisor Ahrend, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board endorsed Supervisor Kyger for nomination for First Vice President of the Virginia Association of Counties.

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CLOSED MEETING.

On motion by Supervisor Ahrend, seconded by Supervisor Breeden and carried by the following vote: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; and KYGER - AYE; the Board recessed the meeting from 5:30 to 6:18 p.m. for a closed meeting pursuant to Section 2.2-3711(A)7, contractual matters.

At 6:18 p.m., Chairman Cuevas called the meeting back to order and the following motion was adopted.

MOTION: SUPERVISOR AHREND RESOLUTION NO: X05-10
SECOND: SUPERVISOR BREEDEN MEETING DATE: OCT. 12, 2005

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an

affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:

AYES: AHREND, BREEDEN, CUEVAS, FLOYD, KYGER

NAYS: NONE

ABSENT: NONE

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ADJOURNMENT.

By consensus, the Board adjourned the meeting at 6:18 p.m.

Chairman